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Date: April 27, 2004

By: Eileen M. Janikowski

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In Re Application of: Francois-Xavier NUTTALL	Examiner: Mary CHEUNG
Serial No: 09/757,951	Art Unit: 3621
Filed: January 10, 2001	
For: METHOD FOR COMPUTER NETWORK OPERATION PROVIDING BASIS FOR USAGE FEES	

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RECEIVED**MAY - 4 2004****GROUP 3600****APPELLANT'S BRIEF****(Filed in Triplicate)**

This is an appeal to the Board of Patent Appeals and Interferences from a Final Office Action dated November 4, 2003 and a subsequent Advisory Action dated February 10, 2004 in which the Examiner finally rejected claims 9-13, 7-21, 24-30, and 34-37 of U.S. Appl. Ser. No. 09/757,951. A Notice of Appeal was submitted on February 27, 2004.

The undersigned authorizes a charge to Deposit Account No. 05-0150 in the amount of \$330.00 for the filing of this Appeal Brief (pursuant 37 CFR 1.17(c)) in the above-identified matter. The undersigned also authorizes any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0150.

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1. Real Party in Interest

Macrovision Corporation, the sole assignee of the present application, is the real party in interest for this appeal. Macrovision Corporation is a Delaware corporation having its headquarters in Santa Clara, California.

2. Related Appeals and Interferences

Neither the appellants, nor the appellants' legal representative, nor assignee are aware of any other appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the present appeal.

3. Status of Claims

Claims 9-39 are pending. Claims 1-8 have been cancelled. Claims 40-43 have been withdrawn. Claims 22, 23, 38 and 39 have been allowed. Claims 14-16 and 31-33 have been objected to as being dependent upon a rejected base claim. Claims 9-13, 17-21, 24-30 and 34-37 have been finally rejected by the Examiner under 35 U.S.C §102(e). The rejection of claims 9-13, 17-21, 24-30 and 34-37 is being appealed herein. [See Appendix A.]

4. Status of Amendments

The Examiner finally rejected claims 9-13, 17-21, 24-30 and 34-37 in the November 4, 2003 Final Office Action. A Response to the November 4, 2003 Final Office Action requesting reconsideration of the final rejection was submitted on January 5, 2004. No amendments were made to the claims in the January 5, 2004 Response. In an Advisory Action mailed February 10, 2004, the Examiner stated that the "request for consideration has been considered but does NOT place the application in condition for allowance because: the arguments are not persuasive." No other explanation was provided. A Notice of Appeal was submitted on February 27, 2004. This Appeal Brief is submitted in support of the February 27, 2004 Notice of Appeal.

5. Summary of Invention

The embodiments set forth in the appealed claims generally relate to a reconciling node or method for managing access to a digital work. [See claims 9-13, 17-21, 24-30 and 34-37.] The embodiments are generally set forth in view of the system shown in Figures 1, 3, and 4 of the application. In general, a first report is received at a reconciling node (or first computer system) via a network. [See, Figure 4, Specification at page 6, line 23 – page 7, line 2, and page 15, lines 20-27, and claims 9, 17, 21, 26, 34, and 37.] The first report is provided in response to a transaction that provided the digital work from a content providing node (or second computer system) to a content requesting node (or a third computer system). [See, Figure 3 and claims 9, 17, 21, 26, 34, and 37.] The first report includes a transaction identifier and the transaction is conducted in response to a request originated by the content requesting node. [See Specification at page 6, line 23 – page 7, line 2, and page 14, line 25 - page 15, line 2.]

The reconciling node (or first computer system) also receives (via the network) a second report that originated from a content managing node (or fourth computer system) in response to supplying by the content managing node information to validate the request. [See, Figures 3, 4, and 19, Specification at page 6, line 23 – page 7, line 2, and page 14, lines 13-17, and claims 9, 17, 21, 26, 34, and 37.] The second report includes a value and a payee identifier. [See, claims 9, 17, 21, 26, 34, and 37.] The value and the transaction identifier are compared at the reconciling node (or the first computer system). [See, Figure 4, process 406, Specification at page 6, line 23 – page 7, line 2, and page 14, line 25 – page 15, line 2 and lines 13-30, and claims 9, 17, 21, 26, 34, and 37.] In response to this comparison, a message is transmitted from the reconciling node onto the network that enables a credit to an account corresponding to the payee identifier. [See, Figure 4, processes 408 and 410, Specification at page 6, line 23 – page 7, line 2, and page 15, line 13 – page 16, line 13, and claims 9, 17, 21, 26, 34, and 37.]

Dependent claims 10, 24, 27, and 35 further recite that the first report comprises indicia of a difference, with the difference being prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node. [See, Figures 3, 4, 9, 17, and 18, process 316 and step 1110, and Specification at page 11, line 12 – page 12, line 25, page 13, line 25 – page 14, line 1, and page 15, lines 20-30.]

Dependent claims 11, 25, 28, and 36 recite that receiving the first report includes receiving a plurality of records via the network and determining the first report in accordance with a record of the plurality. Dependent claims 18, 19, and 20 each recite a memory device that includes indicia of a method of associated independent claim.

The embodiments set forth in claims 12 and 29 are similar to those set forth in claims 9, 17, 21, 26, 29, 34, and 37. Claims 12 and 29 further recite a plurality of first and second reports that comprise first and second tracking values respectively. [Claims 12 and 29.] The claims depending from claim 12 or 29 recite that each tracking value comprises an address of the content requesting node. [Claims 13 and 31, see page 14, lines 30-31.]

6. Issues

There is one issue presented for review: whether claims 9-13, 17-21, 24-30, and 34-37 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Ginter et al. (U.S. Patent No. 5,910,987).

7. Grouping of Claims

It is respectfully requested that claims 9-13, 17-21, 24-30 and 34-37 be grouped together in a single group.

8. Argument

It is respectfully submitted that claims 9-13, 17-21, 24-30, and 34-37 are patentable over Ginter et al. and that rejection of these claims under 35 U.S.C. §102(e) is in error because the Examiner has failed to establish a prima facie case for rejection. A lack of novelty under 35 U.S.C. §102(e) cannot be established without showing every element of the claim. Ginter et al., (or any other art of record) fails to teach, disclose or suggest (either expressly or by implication) all of the limitations of each of the independent claims. As a result, there has been no prima facie showing of every element of each independent claim by the Examiner.

a) **Technology Overview**

i) **Application Serial No. 09/757,951**

FIG. A from the Response mailed March 18, 2003 is enclosed in Appendix B as an aid for understanding the invention as set forth in the claims under this appeal. Support for what is shown in FIG. A is described below with reference to the originally filed specification, drawing, and claims. FIG. A is a message sequence diagram showing across the top a rectangle for each entity sending or receiving messages, and showing a list of messages A10-A34 arranged in sequence from a reference time (A10) to a later time (A34). FIG. A presents a scenario that illustrates at least one arrangement of entities and at least one sequence of messages that fall within the scope of the claims. Each entity, each message, alternatives, and equivalents are more fully described in the originally filed specification, drawing, and claims. Other entities, messages, and sequences may also be within the scope of the claims; in other words, FIG. A and the accompanying description below are intended merely to illustrate a message sequence that is within the scope of the claims without defining or restricting the scope of the claims.

A content managing node may provide (A10) a copy of the work at issue to a content providing node. [See, *e.g.*, Figure 2, and Specification at page 5, lines 24 - 28.] To transfer a copy of the work to a content requesting node, a content providing node makes a request (A12) of an authorizing node that consequently makes a query (A14) to the content managing node. The content managing node provides authorization (A16) to the authorizing node that consequently sends a permit (A18) to the content requesting node. [See, *e.g.*, Specification at page 5, line 39 - page 6, line 8.] The content managing node also sends a log of queries (A14, A30) to a reconciling node. [See, *e.g.*, Specification at page 6, lines 9 - 23.]

A content requesting node, in response to receiving a permit (A18), may request a copy of the work from the content providing node (A20) and consequently receive same (A22). The content requesting node may send a report (A24) to an event reporting node that forwards reported information (A26) to the reconciling node. [See, *e.g.*, Specification at page 6, line 23 - 27.]

A reconciling node receives and compares reports (A26) from the event reporting node, reports (A28) from the content providing node, logs of queries (A30) from the content managing

node, and logs of debits (A32) from a banking node. Comparison may result in messages (A34) for payments of distribution fees and royalties performed by the banking node. [See, *e.g.*, Specification at page 6, line 23 - page 7, line 2.]

ii) **Ginter et al.**

FIG. C from the Response After Final mailed January 5, 2004 is enclosed in Appendix C as an aid in understanding the communication described in Ginter et al. FIG. C is a message sequence diagram showing across the top a rectangle for each entity sending or receiving messages, and showing a list of messages C12-C40 arranged in sequence from a reference time (C12) to a later time (C40). A content creator 102 provides rules (C12) to a rights distributor 106. [See, col. 53, lines 36-38.] Revised rights are provided (C14) from the rights distributor 106 to the content user 112. [See, col. 53, lines 42-51.] Content may be provided from the creator 102 to the content user 112 before (C16) and/or after (C26) execution of the method described by FIG. 3 and col. 55, line 47 - col. 56, line 30. Support for when content is received may be found at col. 14, lines 7-14: "Distribution may be by ... "static" files and/or streams ... used for ... interactive games, ... where restrictions on ... the use of all or portions of communicated information is enforced." (emphasis added).

The content user 112 is a computer system having an operator. [See, col. 58 lines 27-29.] The operator inputs a request for use of particular content. [See, col. 55, lines 60-67.] The content user 112 determines (C18) whether the request for use is consistent with the revised rules. [Support is implied from the description of revised rules sent to content user 112 and the user's input into content user 112.] The content user 112 determines (C20) whether each access of the content is to be reported. [Support is found at col. 55, line 64 through col. 56, line 7.] The content user 112 reports usage (C21) to the rights distributor 106. [See, col. 56, lines 8-10.] The content user 112 determines (C22) whether the requested use is within a budget (*e.g.*, credit or paid in advance). [See, col. 56 lines 21-22.] The content user 112 grants (C24) access to the user (*i.e.*, the operator) for the requested use. [See, col. 56, lines 29-30.]

Information related to usage of content is variously described as a usage report. [See col. 53, lines 5, 10, and 54-56.] Information is provided (C28) from content user 112 to clearing house 115. [See col. 53, lines 54-56.] This information may consist entirely of billing

information since only billing process 408 is attributed to this function. [See, col. 56, lines 19-20.] Clearing house 116 provides (C30) a bill to content user 112. [See col. 53, lines 56-58.] Content user 112 provides (C32) payment to clearing house 116. [See, col. 53, lines 58-60.] Clearing house 116 provides (C34) reports to content user 112. Clearing house 116 provides reports and payments to rights distributor 106 (C36) and content creator 102 (C40). [See, col. 53, line 60 - col. 54, line 3.]

c) Differences Between the Appealed Claims and Ginter et al.

At least the following limitations recited variously in each of the rejected independent claims (claims 9, 12, 17, 21, 26, 29, 34, and 37) are not disclosed or suggested by Ginter et al.:

Claims 9, 21, 26, and 37

- (1) “receiving ... a first report ... being provided in response to a transaction that provided the digital work ... the transaction conducted in response to a request originated by the content requesting node”;
- (2) “receiving ... a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request”; and
- (3) “comparing ... the value and the transaction identifier”

Claims 12 and 29

- (1) “receiving ... a plurality of first reports, each ... being provided in response to a transaction that provided the digital work ... the transaction conducted in response to a respective request originated by the content requesting node”;
- (2) “receiving ... a plurality of second reports, each ... originating from a content managing node in response to supplying by the content managing node information to validate the respective request”;
- (3) “identifying ... a particular first report and a particular second report”; and
- (4) “comparing ... the respective transaction identifier ... and the respective value.”

Claims 17 and 34

- (1) “receiving ... a first report ... being provided in response to a transaction that provided the digital work ... the transaction conducted in response to a request originated by the third computer system”;
- (2) “receiving ... a second report that originated from a fourth computer system in response to supplying by the fourth computer system information for validating the request”; and
- (3) “comparing ... the value and the transaction identifier”

According to the Examiner, the rights distributor 106 in Ginter et al. performs in a manner that anticipates the appealed claims. A rights distributor 106 as set forth in Ginter et al. does not meet the limitations set forth in the appealed claims for any of the following reasons:

- i. The rights distributor 106 does not perform “receiving ... a first report ... provided in response to a transaction that provided the digital work.”
- ii. The rights distributor 106 does not perform “receiving ... a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request.”
- iii. The rights distributor 106 does not perform “comparing ... the value and the transaction identifier.”

i) **The rights distributor 106 in Ginter et al. does not perform “receiving ... a first report ... provided in response to a transaction that provided the digital work.”**

The rights distributor 106 does not receive a first report that was provided in response to a transaction that provided the digital work. [Note: The rights distributor in Ginter et al. is contrasted with a reconciling node as follows with reference to FIG. C.] Information related to usage of content (C21) received by rights distributor 106 is not a first report as recited in the appealed claims for two reasons.

First, as set forth in the appealed claims, the first report is provided in response to a transaction. The transaction is conducted in response to a request and also provides the digital work. In contrast, Ginter et al. does not describe such a request as claimed that is directed to a content provider. Ginter et al. merely describes a “request for use” that is directed to processes that are internal to content user 112. These processes are implied to be internal to the content user 112 because only content user 112 has both the “request for use” and the revised rules (C14) to work with.

Second, nothing in Ginter et al. describes providing a report as a consequence of “a transaction that provided the digital work” as recited in the appealed claims. In Ginter et al. the usage report (C21) is provided as a consequence of the operator’s “request to use” content as

opposed to a request to a content provider for providing content as required by the appealed claims.

In the November 4, 2003 Final Office Action, the Examiner states that “a first report ... being provided in response to a transaction that provided the digital work” is taught by Ginter et al. as “receiving at the VDE Rights Distributor node a first report, the first report tracks the usages of the digital works provided from VDE Content Creator node to VDE Content User node ... (col. 55 line 48 through col. 56 line 16 and FIG. 2).” The Examiner has not quoted the passage from Ginter et al. but has instead inaccurately summarized the cited passage and, as a result, mischaracterizes the functions described. The cited passage states in pertinent part:

The “events process” 402 detects things that happen (“events”) ...
 The “events” include, for example, a **request to use content** ... For example, ... each user request to turn a page of an electronic book may be satisfied (“Go”) but it may not be necessary to meter, bill or budget those requests. ... Other content (for example, searching an electronic telephone directory) may require the user to pay a fee for each access. “Meter” process 404 keeps track of events, and may **report usage** to distributor 106 and/or other appropriate VDE participants(s). ... Billing process 406 determines how much to charge for events. It records and **reports payment information**. Budget process 408 limits how much content usage is permitted. ... Budget process 408 records and **reports financial and other transaction information** associated with such limits. **Content may be supplied to the user once these processes have been successfully performed.** (Emphasis added).

The last phrase in this passage: “Content may be supplied to the user once these processes have been successfully performed” indicates that the report disclosed by Ginter et al. occurs prior to delivery of the work as opposed to “in response to a transaction that provided the digital work” as claimed. The passage discusses event processing, but “delivery” is not identified as an event. Therefore, the metering process as disclosed by Ginter et al. is not capable of sending the first report as claimed. [See also, Ginter et al. FIG. 3.]

Assuming, *arguendo*, that this passage supports the assertion that the report (C21) received at the rights distributor 106 is used by the rights distributor to “track the usages of the digital works provided from a content creator to a content user”, tracking usage is not the same

function as reporting in response to a transaction that provided the work. On the contrary, “tracking usage” includes reporting on events that are requests for use of content as opposed to events that are the provided content.

- ii) **The rights distributor 106 in Ginter et al. does not perform “receiving ... a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request.”**

The rights distributor 106 in Ginter et al. does not receive a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request. As discussed above, a “request for use” is not a “request” that is originated, validated, and results in a transaction as claimed. There is nothing in Ginter et al. corresponding to the “request” as claimed. Consequently, there is also nothing in Ginter et al. regarding validating a request as claimed; nor information to validate a request as claimed.

In Ginter et al., the clearing house 116 is not a content managing node as claimed at least because it does not supply information to validate a request. The only information supplied by clearing house 116 are reports C32 that are not used on receipt by content user 112 to validate a request as claimed.

In the November 4, 2003 Final Office Action, the Examiner states that “receiving at the reconciling node via the network a second report that originated from a content managing node in response to supplying to the content managing node information to validate the request” is taught by Ginter et al. as “receiving at the VDE Rights Distributor node a second report that originated from a Financial Clearinghouse and VDE Administrator node in response to supplying [reports] by the Financial Clearinghouse and VDE Administrator node to validate the request...”

This quote has been mischaracterized by the Examiner On examination of Figure 2 and the supporting text of Ginter et al., the only reports 114 received by Financial Clearinghouse and VDE Administrator node 116 originate from VDE Content User 112. VDE Content User 112 is not a “content managing node” as claimed at least because VDE Content User 112 makes requests for content and does not participate in validating such requests. The Financial Clearinghouse and VDE Administrator node 116 is not a “reconciling node” at least because it

does not receive first and second reports to be reconciled by a comparison of portions of each of the first and second reports.

Based on the above quote relied on by the Examiner, the description in Ginter et al. is mischaracterized relative to a “request” as set forth in the appealed claims. While Ginter et al. makes mention of a “request for use,” it makes no mention of a request having a transaction conducted in response to the request where the transaction provides a digital work to a content requesting node.

The description in Ginter et al. is also mischaracterized relative to the validation requirement as set forth in the appealed claims. The cited passage in Ginter et al. does not describe validating a request having a transaction conducted in response to the request where the transaction provides a digital work. Processes performed by the content user 112 (previously discussed above with reference to C18, C20, C22, and C24) do not operate on a “request” as functionally described in the claim limitations.

The Examiner also mischaracterizes the description in Ginter et al. relative to “information” “supplied to validate” a request having a transaction conducted in response to the request where the transaction provides a digital work as set forth in the appealed claims. The cited passage does not describe information used to validate. Reports C34 are not described as used for validating. The content user 112 performs processes discussed above with reference to C18, C20, C22, and C24 that may in some ways be similar to validating; however, these processes do not use information received from clearing house 116. Therefore, clearing house 116 is not described as supplying information as claimed.

The Examiner further mischaracterizes the description in Ginter et al. relative to “a second report ... originating ... in response to supplying information” as set forth in the appealed claims. The cited passage does not describe reporting the event of supplying information for validation. On the contrary, the reports provided by clearing house 116 (C30, C34, C36, and C40) are described merely as usage reports and payments.

The description in Ginter et al. is also mischaracterized relative to “content managing” as set forth in the appealed claims. Clearing house 116 is not a content managing node at least

because it is not described as performing a recited function of content management: supplying information to validate a request as claimed.

The description in Ginter et al. is further mischaracterized relative to “receiving a second report” as set forth in the appealed claims. No report received by rights distributor 106 from clearing house 116 can be properly interpreted as a “second report” as claimed because, as discussed above, the second report originates from a content managing node (not shown by clearing house 116), is originated in response to supplying (not shown by report C36) information to validate (not shown by report C34) a request having a transaction conducted in response to the request (not shown by a request to use content).

Assuming, *arguendo*, that a request for use of content is validated by content user 112 according to the processes discussed with reference to C18, C20, C22, and C24; clearing house 116 is not described as having supplied information to validate the request for use. Specifically, reports C34 are not described as used for validating a request. Furthermore, reports C36 provided by clearing house 116 to rights distributor 106 are not described as indicating that reports C34 have or have not been provided. In other words, even if content user 112 is understood to perform validation of a request for use in accordance with reports from clearing house 116, reports C36 still fail to correspond to “a second report that originated ... in response to supplying ... information to validate the request” as set forth in the appealed claims.

iii) The rights distributor 106 in Ginter et al. does not perform “comparing ... the value and the transaction identifier.”

The Examiner has taken the position that “[c]omparing at the reconciling node the value and the transaction identifier is taught by Ginter et al.” See Office action, Par. 10(c). As support for this assertion, the Examiner states that, in Ginter et al., the “VDE Rights Distributor provides the payments and the payment related information to the corresponding content creator (column 53 lines 63-64 and Fig. 2).”

Ginter et al. does not disclose or suggest “comparison” expressly. Merely “providing the payments and payment related information” is not “comparison.” Simply put, the rights distributor 106 does not perform comparing a value and a transaction identifier as recited in the appealed claims. Ginter et al. also does not disclose or suggest “comparison” by implication

because no function in Ginter et al. makes “comparing at the reconciling node” as claimed a necessary operation.

A lack of novelty cannot be established without showing every element of the claim. As discussed above several elements are not in Ginter et al. and the elements asserted by the Examiner to be taught in Ginter et al. are not actually taught by Ginter et al. Withdrawal of the rejections is respectfully requested because no prima facie case for a lack of novelty has been established by the Examiner as to any pending independent claim.

It is also noted that a word search of Ginter et al. and review of the context of each usage of the words (and word forms) for “report”, “match”, and “reconcile” was performed on behalf of the Applicant (as stated in the January 5, 2004 Response). Nothing found as a result of this search in Ginter et al. reconciles events of the following type:

- (a) providing a requested work; with
 - (b) supplying information to validate the request;
- where event (a) triggers a first report for reconciliation, and event (b) triggers a second report for reconciliation.

Instead, Ginter et al. merely reconciles budget and billing events. See col. 33 line 66 through col. 34 line 36.

d) Conclusion

Accordingly, it is respectfully submitted that rejection of claims 9-13, 17-21, 24-30, and 34-37 under 35 U.S.C. §102(e) is improper and, as a result, withdrawal of this rejection is respectfully requested. It is respectfully submitted that the Examiner has failed to establish a prima facie case for lack of novelty under 35 U.S.C. §102(e) because Ginter et al. fails to teach, disclose or suggest all of the limitations of each of the independent claims under appeal.


e) **Prayer**

For at least one of the previously discussed reasons, it is respectfully requested that the Board reverse the Examiner on the issue presented in this brief and withdraw the rejection of claims 9-13, 17-21, 24-30, and 34-37 under 35 U.S.C. §102(e).

If the Board has any questions or comment, the Board is invited to call the undersigned attorney at the number below.

Respectfully Submitted,

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9) Appendix A – Claims As Appealed

This Appendix presents appealed claims 9-13, 17-21, 24-30 and 34-37 as they currently stand.

9. A method for managing access to a digital work, the method for execution by a reconciling node, the method comprising:

receiving at the reconciling node via a network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a content requesting node, the first report comprising a transaction identifier, the transaction conducted in response to a request originated by the content requesting node;

receiving at the reconciling node via the network a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request, the second report comprising a value and a payee identifier;

comparing at the reconciling node the value and the transaction identifier; and

transmitting from the reconciling node onto the network a message enabling a credit to an account corresponding to the payee identifier, transmitting being in response to comparing.

10. The method of claim 9 wherein the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node.

11. The method of claim 9 wherein receiving the first report comprises:

receiving via the network a plurality of records; and

determining the first report in accordance with a record of the plurality.

12. A method for managing access to a digital work, the method for execution by a reconciling node, the method comprising:

receiving at the reconciling node via a network a plurality of first reports, each first report being provided in response to a respective transaction that provided the digital work from a content providing node to a content requesting node, each first report comprising a respective transaction identifier and a respective first tracking value, each transaction being conducted in response to a respective request originated by the content requesting node;

receiving at the reconciling node via the network a plurality of second reports, each second report originating from a content managing node in response to supplying by the content managing node information to validate the respective request, each second report comprising a respective value, a respective payee identifier, and a respective second tracking value;

identifying at the reconciling node a particular first report and a particular second report, wherein the particular reports have corresponding tracking values;

comparing at the reconciling node the respective transaction identifier of the particular first report and the respective value of the particular second report; and

transmitting at the reconciling node onto the network a message enabling payment in accordance with the comparison.

13. The method of claim 12 wherein each tracking value comprises an address of the content requesting node.

17. A method for managing access to a digital work, the method for execution by a first computer system, the method comprising:

receiving at the first computer system via a network a first report, the first report being provided in response to a transaction that transferred via the network the digital work from a second computer system to a third computer system, the first report comprising a transaction identifier, the transaction conducted in response to a request originated by the third computer system;

receiving at the first computer system via the network a second report that originated from a fourth computer system in response to supplying by the fourth computer system information for validating the request, the second report comprising a value and a payee identifier;

comparing at the first computer system the value and the transaction identifier; and

transmitting from the first computer system onto the network a message enabling a credit to an account corresponding to the payee identifier, transmitting being in response to comparing.

18. A memory device comprising indicia of the method of claim 9.

19. A memory device comprising indicia of the method of claim 12.

20. A memory device comprising indicia of the method of claim 17.

21. A method for managing access to a digital work, the method for execution by a reconciling node, the method comprising:

receiving at the reconciling node via a network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a content requesting node, the first report comprising a transaction identifier, the transaction conducted in response to a request originated by the content requesting node;

receiving at the reconciling node via the network a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request, the second report comprising a value and a payee identifier;

comparing at the reconciling node the value and the transaction identifier; and

transmitting from the reconciling node onto the network a message enabling a credit to an account corresponding to the payee identifier, wherein:

transmitting is in response to comparing;

the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node; and

receiving the first report comprises receiving via the network a plurality of records and determining the first report in accordance with a record of the plurality.

24. The method of claim 17 wherein the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node.

25. The method of claim 17 wherein receiving the first report comprises:
receiving via the network a plurality of records; and
determining the first report in accordance with a record of the plurality.

26. A reconciling node, for managing access to a digital work, the reconciling node comprising:

means for receiving via a provided network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a

content requesting node, the first report comprising a transaction identifier, the transaction conducted in response to a request originated by the content requesting node;

means for receiving via the network a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request, the second report comprising a value and a payee identifier;

means for comparing the value and the transaction identifier; and

means for transmitting from the reconciling node onto the network a message enabling a credit to an account corresponding to the payee identifier, transmitting being responsive to the means for comparing.

27. The reconciling node of claim 26 wherein the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node.

28. The reconciling node of claim 26 wherein receiving the first report comprises:
receiving via the network a plurality of records; and
determining the first report in accordance with a record of the plurality.

29. A reconciling node for managing access to a digital work, the reconciling node comprising:

means for receiving via a provided network a plurality of first reports, each first report being provided in response to a respective transaction that provided the digital work from a content providing node to a content requesting node, each first report comprising a respective transaction identifier and a respective first tracking value, the transaction conducted in response to a request originated by the content requesting node;

means for receiving via the network a plurality of second reports, each second report originating from a content managing node in response to supplying by the content managing node information to validate the request, each second report comprising a respective value, a respective payee identifier, and a respective second tracking value;

means for identifying a particular first report and a particular second report, wherein the particular reports have corresponding tracking values;

means for comparing the respective transaction identifier of the particular first report and the respective value of the particular second report; and

means for transmitting onto the network a message enabling payment in accordance with the comparison.

30. The reconciling node of claim 29 wherein each tracking value comprises an address of the content requesting node.

34. A reconciling node for managing access to a digital work, the reconciling node comprising:

means for receiving at the first computer system via a network a first report, the first report being provided in response to a transaction that transferred via the network the digital work from a second computer system to a third computer system, the first report comprising a transaction identifier, the transaction conducted in response to a request originated by the third computer system;

means for receiving at the first computer system via the network a second report that originated from a fourth computer system in response to supplying by the fourth computer

system information to validate the request, the second report comprising a value and a payee identifier;

means for comparing at the first computer system the value and the transaction identifier;

and

means for transmitting from the first computer system onto the network a message enabling a credit to an account corresponding to the payee identifier.

35. The reconciling node of claim 34 wherein the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node.

36. The reconciling node of claim 34 wherein the means for receiving the first report comprises:

means for receiving via the network a plurality of records; and

means for determining the first report in accordance with a record of the plurality.

37. A reconciling node for managing access to a digital work, the reconciling node comprising:

means for receiving via a provided network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a content requesting node, the first report comprising a transaction identifier, the transaction conducted in response to a request originated by the content requesting node;

means for receiving via the network a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request, the second report comprising a value and a payee identifier;

means for comparing the value and the transaction identifier; and

means for transmitting from the reconciling node onto the network a message enabling a credit to an account corresponding to the payee identifier, wherein:

(1) the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node; and

(2) the means for receiving the first report comprises means for receiving via the network a plurality of records and determining the first report in accordance with a record of the plurality.

Appendix B – Figure A from the March 18, 2003 Response

46030.00028

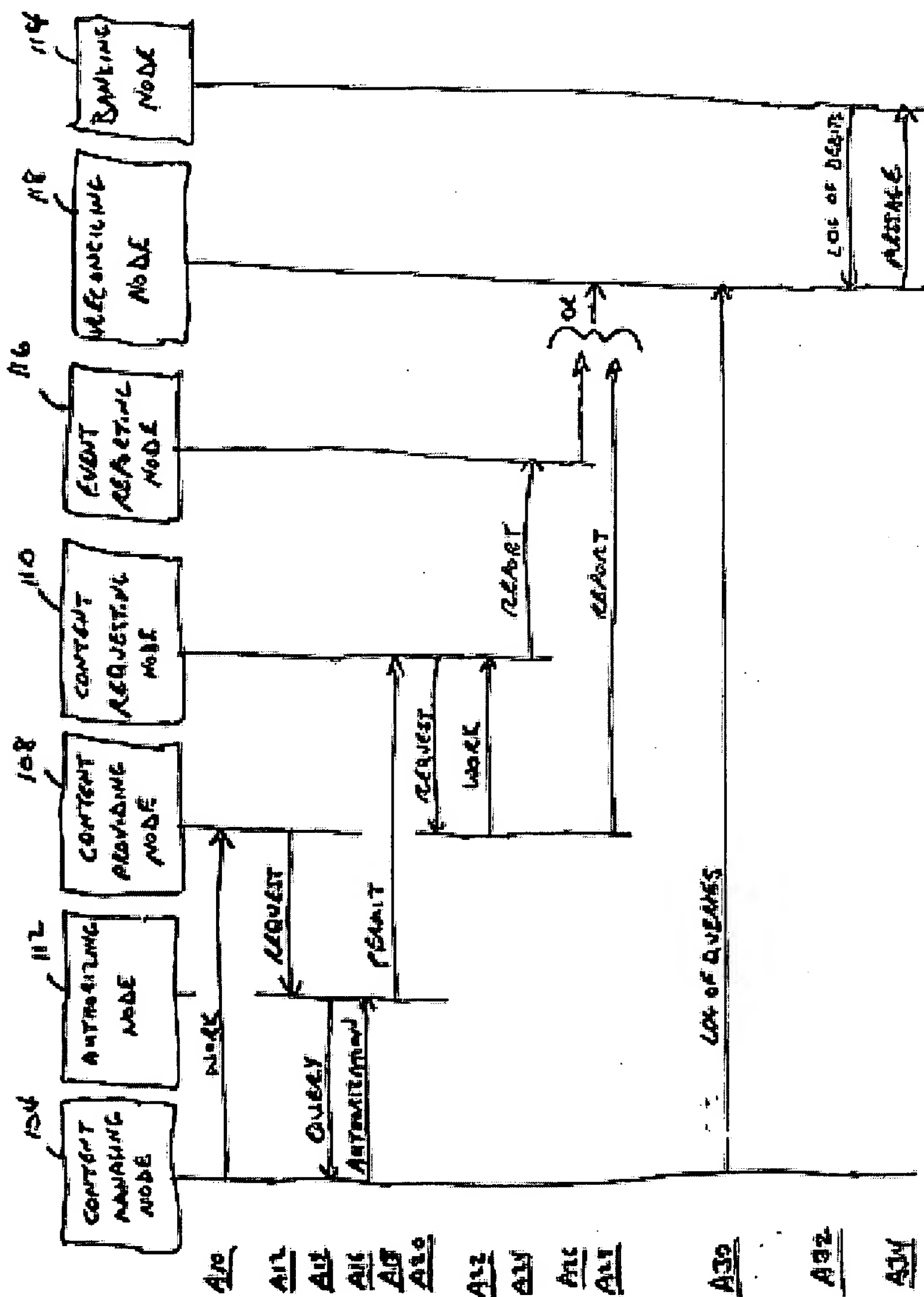


FIG. A (APPLICANT)

Appendix C – Figure C from the January 5, 2004 Response

46030.00028

